



J Rec'd PCT/PTO 01 MAR 2002

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

**SHITARA, K. et al.**

Atty. Ref.: **249-243**

Serial No. **10/009,723**

Group:

Filed: **December 17, 2001**

Examiner:

For: **DIAGNOSTIC AGENT AND THERAPEUTIC AGENT FOR  
DISEASE RELATED TO MONOCYTE AND  
MACROPHAGE**

\* \* \* \* \*

**March 1, 2002**

Assistant Commissioner for Patents  
Washington, DC 20231

Sir:

**REQUEST**

Clarification is requested with regard to the Notification of Missing Requirements dated February 12, 2002 (copy attached) which purports to require a Sequence Listing to fulfill the requirements of 35 USC §371. The undersigned is unable to locate a requirement in 35 USC §371 for a Sequence Listing in paper and computer-readable forms to obtain a filing date. Accordingly, the Office is requested to advise the undersigned where the requirements of 35 USC §371 require such a submission. It is the undersigned's belief that as the Office has indicated that the basic filing fee, copy of the application, Declaration and other specific requirements of 35 USC §371 have been received by the Patent Office, the requirements of 35 USC §371 have been met and a filing date should be assigned as of the date of the receipt in the Patent Office of these required items. The Notification of Missing Requirements suggests however that a filing

**SHITARA, K. et al.**  
**Serial No. 10/009,723**

date will not be assigned until the Sequence Listing is supplied in response to the Notification. Further clarification in this regard is requested.

A separate response with a revised Sequence Listing will be filed separately in response to the attached Notification.

Respectfully submitted,

**NIXON & VANDERHYE P.C.**

By: \_\_\_\_\_



**B. J. Sadoff**  
Reg. No. 36,663

**BJS:eaw**

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Arlington, VA 22201-4714  
Telephone: (703) 816-4000  
Facsimile: (703) 816-4100



## UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents, Box PCT  
 United States Patent and Trademark Office  
 Washington, D.C. 20231  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.

10/009,723

FIRST NAMED APPLICANT

Kenya Shitara

ATTY. DOCKET NO.

249-243

INTERNATIONAL APPLICATION NO.

PCT/JP00/03957

I.A. FILING DATE

06/16/2000

PRIORITY DATE

06/17/1999

Nixon & Vanderhye  
 1100 North Glebe Road 8th Floor  
 Arlington, VA 22201-4714

**CONFIRMATION NO. 6052**  
**371 FORMALITIES LETTER**



\*OC000000007452802\*

Date Mailed: 02/12/2002

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as an Elected Office (37 CFR 1.495):

- U.S. Basic National Fees
- Priority Document
- Assignee Statement
- Biochemical Sequence Diskette
- Biochemical Sequence Listing
- Copy of IPE Report
- Copy of references cited in ISR
- Copy of the International Application
- Copy of the International Search Report
- Information Disclosure Statements
- Oath or Declaration
- Preliminary Amendments
- Request for Immediate Examination

DOCKETED

CLT/MATTER # 249-243  
 MAIL DATE 2-12-02  
 DUE DATE April 12, 2002  
 FINAL DEADLINE Sept. 12, 2002  
 DOCKETED BY PMS/mss

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTH FROM THE DATE OF THIS NOTICE OR BY 22 or 32 MONTHS (where 37 CFR 1.495 applies) FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

The following items **MUST** be furnished within the period set forth below:

- The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 CFR 1.821-1.825 for the following reason(s):

- RAW SEQUENCE LISTING ERROR REPORT
- APPLICANT MUST PROVIDE:
  - An initial or substitute paper copy or compact disc of the "Sequence Listing," as well as an amendment directing its entry into the specification.

- For questions regarding compliance to 37 CFR 1.821-1.825 requirements, please contact:

- For Rules Interpretation, call (703) 308-4216
- To Purchase PatentIn Software, call (703) 306-2600
- For PatentIn Software Program Help, call (703) 306-4119 or e-mail at patin21help@uspto.gov or patin3help@uspto.gov

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

FREDERICK SMITH

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Telephone: (703) 305-3654

**PART 1 - ATTORNEY/APPLICANT COPY**

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U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/009,723	PCT/JP00/03957	249-243

FORM PCT/DO/EO/905 (371 Formalities Notice)



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10/009,723	Kenya Shitara	249-243
INTERNATIONAL APPLICATION NO.		
PCT/JP00/03957		
I.A. FILING DATE	PRIORITY DATE	
06/16/2000	06/17/1999	
<b>CONFIRMATION NO. 6052</b>		
<b>371 FORMALITIES LETTER</b>		
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- Request for Immediate Examination

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FREDERICK SMITH

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FORM PCT/DO/EO/905 (371 Formalities Notice)



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